



Minutes of MAYOR AND COUNCIL Meeting

Approved by Mayor and Council
on June 18, 2013.

Date of Meeting: December 4, 2012

The Mayor and Council of the City of Tucson met in regular session in the Mayor and Council Chambers in City Hall, 255 West Alameda Street, Tucson, Arizona, at 5:33 p.m., on Tuesday, December 4, 2012, all members having been notified of the time and place thereof.

Roger W. Randolph, City Clerk, announced Council Member Uhlich was unable to be present for the meeting, but would be participating by telephone. This was allowable under the Mayor and Council Rules and Regulations. He stated Council Member Uhlich could vote on all matters in the same way as those members physically present as long as she participated in the discussions. On the agenda, all votes would be done by roll call rather than voice vote.

1. ROLL CALL

The meeting was called to order by Mayor Rothschild and upon roll call, those present and absent were:

Present:

Regina Romero	Council Member Ward 1
Paul Cunningham	Council Member Ward 2
Karin Uhlich	Council Member Ward 3 (electronic attendance)
Shirley C. Scott	Council Member Ward 4
Richard G. Fimbres	Council Member Ward 5
Steve Kozachik	Vice Mayor, Council Member Ward 6
Jonathan Rothschild	Mayor

Absent/Excused:

None

Staff Members Present:

Richard Miranda	City Manager
Michael Rankin	City Attorney
Roger W. Randolph	City Clerk

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The invocation was given by Missionary Cherry Jackson, Church of God in Christ, after which the Pledge of Allegiance was presented by the entire assembly.

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 445, dated December 4, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow members of the Mayor and Council to report on current events and asked if there were any reports.

Current event reports were provided by Council Members Romero, Cunningham, Scott, Fimbres, and Vice Mayor Kozachik. A recording of this item is available from the City Clerk's Office for ten years from the date of this meeting.

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

Mayor Rothschild announced City Manager's communication number 444, dated December 4, 2012, was received into and made part of the record. He also announced this was the time scheduled to allow the City Manager to report on current events, and asked for that report.

No report was given.

5. LIQUOR LICENSE APPLICATIONS

Mayor Rothschild announced City Manager's communication number 451, dated December 4, 2012, was received into and made part of the record. He asked the City Clerk to read the Liquor License Agenda.

b. Liquor License Application(s)

New License(s)

1. Pizza Hut #25, Ward 2
8906 E. Tanque Verde Rd.
Applicant: Walter Brent Kyte
Series 12, City 96-12
Action must be taken by: December 8, 2012

Staff has indicated the applicant is in compliance with city requirements.

2. Little Sicily Pizza & Restaurant, Ward 6
110 S. Church Ave. #7189
Applicant: Rosario Scigliano
Series 12, City 100-12
Action must be taken by: December 15, 2012

Staff has indicated the applicant is in compliance with city requirements

3. N.Y.P.D. New York Pizza Department, Ward 6
1521 N. Wilmot Rd.
Applicant: Mark Fontana
Series 12, City 101-12
Action must be taken by: December 17, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a new license application, "In all proceedings before the governing body of a city...the applicant bears the burden of showing that the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license". (A.R.S. Section 4-201)

Person Transfer

4. VooDoo Jack's, Ward 6
110/112 E. Congress St.
Applicant: Kevin Arnold Kramber
Series 6, City 95-12
Action must be taken by: December 3, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: State law provides that for a person to person transfer, Mayor and Council may consider the applicant's capability, qualifications and reliability. (A.R.S. Section 4-203)

Location Transfer(s)

5. Pizza Hut #46, Ward 4
8140 S. Houghton Rd. #180
Applicant: Walter Brent Kyte
Series 7, City 99-12
Action must be taken by: December 8, 2012

Staff has indicated the applicant is in compliance with city requirements.

6. Pie Zanno's Pizzeria, Ward 3
2921 E. Fort Lowell Rd. #101
Applicant: Louie Castro Lazos
Series 6, City 102-12
Action must be taken by: December 22, 2012

Staff has indicated the applicant is in compliance with city requirements.

Public Opinion: Written Argument in Favor Filed

NOTE: State law provides that for a location transfer, Mayor and Council may consider whether the public convenience requires and that the best interest of the community will be substantially served by the issuance of a license at that location. (A.R.S. Section 4-203; Rule R19-1-102)

c. Special Event(s)

1. St. Ambrose Catholic School, Ward 6
300 S. Tucson Blvd.
Applicant: Sonia Valencia
City T109-12
Date of Event: December 7, 2012
(Alumni Dance)

Staff has indicated the applicant is in compliance with city requirements.

d. Agent Change/Acquisition of Control

1. Taco Giro Mexican Grill, Ward 4
5754 E. 22nd St.
Applicant: Javier Ramos Mora
Series 12, City AC26-12
Action must be taken by: December 3, 2012

Staff has indicated the applicant is in compliance with city requirements.

2. La Cocina Restaurant & Cantina, Ward 1
186 N. Meyer Ave.
Applicant: Jared Michael Repinski
Series 12, City AC27-12
Action must be taken by: December 10, 2012

Staff has indicated the applicant is in compliance with city requirements.

NOTE: The local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control. (A.R.S. Section 4-203.F)

It was moved by Council Member Romero, duly seconded and carried by a voice vote of 7 to 0, to forward liquor license applications 5b1 through 5b6, 5c1, and 5d1 through 5d2 to the Arizona State Liquor Board with a recommendation for approval.

6. CALL TO THE AUDIENCE

Mayor Rothschild announced this was the time any member of the public was allowed to address the Mayor and Council on any issue except for items scheduled for a public hearing. Speakers were limited to three-minute presentations.

Mayor Rothschild also announced that pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during “call to the audience.”

Comments were made by:

Dale Babel
Keith Van Heyningen

Roger Score
Billy Lolos

Robert Reus

Mayor Rothschild asked the City Attorney to contact Mr. Babel regarding his concerns.

A recording of this item is available from the City Clerk’s Office for ten years from the date of this meeting.

7. CONSENT AGENDA – ITEMS A THROUGH D

Mayor Rothschild announced the reports and recommendations from the City Manager on the Consent Agenda were received into and made part of the record. He asked the City Clerk to read the Consent Agenda.

a. APPROVAL OF MINUTES

1. Report from City Manager DEC04-12-446 CITY WIDE
2. Mayor and Council Regular Meeting Minutes of April 3, 2012
3. Mayor and Council Study Session Legal Action Report and Minutes of April 3, 2012

b. REAL PROPERTY: APPROVING A LEASE AGREEMENT WITH FOUNTAIN YOUTH MINISTRIES, INC. DBA: 6TH STREET GYM FOR SPACE LOCATED AT 1001 NORTH MAIN AVENUE

1. Report from City Manager DEC04-12-448 WARD 1

2. Ordinance No. 11039 relating to Real Property; authorizing and approving the lease agreement between the City of Tucson and Fountain Youth Ministries, Inc., dba 6th Street Gym, for occupancy of space located at 1001 North Main Avenue; and declaring an emergency.

(This item was continued to the meeting of December 18, 2012.)

c. GRANT APPLICATION: TO THE GILA RIVER INDIAN COMMUNITY IN SUPPORT OF NATIVE SEEDS/SEARCH

1. Report from City Manager DEC04-12-449 CITY WIDE
2. Resolution No. 21973 relating to Finance; authorizing and approving a Grant Application to the Gila River Indian Community in support of Native Seeds/SEARCH and disbursement of gaming monies; and declaring an emergency.

d. FINANCE: APPROVAL OF COMPREHENSIVE FINANCIAL POLICIES (CONTINUED FROM THE MEETING OF NOVEMBER 14, 2012)

1. Report from City Manager DEC04-12-453 CITY WIDE
2. Resolution No. 21977 relating to Finance; approving the Comprehensive Financial Policies for the City of Tucson as recommended by the Government Finance Officers Association; and declaring an emergency.

Roger Randolph, City Clerk, announced the City Attorney had changes he needed to read into the record.

Michael Rankin, City Attorney, stated that as a result of discussion from the Study Session there were a few corrections to be read into the record:

Section III, Fund Balance, subparagraph 2, Assigned Fund Balance; in the second sentence the word “typically” was removed. At the end of the paragraph on page 10, a new sentence was added to read: “Prior to the expenditure of any funds assigned, Mayor and Council will be notified and have the opportunity to provide direction.”

Section X, Accounting, Auditing and Financial Reporting, on page 24, at the end of the section, an additional bullet point was added to read: “Annually, staff in conjunction with the independent auditors, will present the audited financial statements to Mayor and Council. The presentation will include information on all funds including Enterprise Funds.”

It was moved by Council Member Scott, duly seconded, and passed by a roll call vote of 7 to 0, that Consent Agenda Items a – d, with the amendment to item d and the exception of Item b, which was continued, be passed and adopted and the proper action taken.

8. DEVELOPMENT AGREEMENT: WITH ONE EAST BROADWAY LLC

Mayor Rothschild announced City Manager's communication number 452, dated December 4, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21976 by number and title only.

Resolution No. 21976 relating to Economic Development; approving a retail development tax incentive agreement between the City of Tucson and One East Broadway LLC for the development of One East Broadway.

It was moved by Vice Mayor Kozachik, duly seconded, and passed by a roll call vote of 7 to 0, to approve Resolution 21976.

9. MAYOR AND COUNCIL: SELECTION OF VICE MAYOR

Mayor Rothschild announced City Manager's communication number 450, dated December 4, 2012, was received into and made part of the record. He asked the City Clerk to read Resolution 21974 by number and title only.

Resolution No. 21974 relating to the Vice Mayor of the Mayor and Council; selecting a Vice Mayor.

It was moved by Council Member Cunningham, duly seconded, and passed by a roll call vote of 7 to 0, to approve Resolution 21974 naming Regina Romero as the new Vice Mayor.

10. APPOINTMENTS TO BOARDS, COMMITTEES AND COMMISSIONS

Mayor Rothschild announced City Manager's communication number 447, dated December 4, 2012, was received into and made part of the record. He asked for a motion to approve the appointments in the report.

It was moved by Council Member Fimbres, duly seconded, and passed by a roll call vote of 7 to 0, to approve the appointments of Valerie Davis and Ed Torres to the Veterans' Affairs Committee and Lynn Reyes and Joyce Morgan to the Pima County – Tucson Commission on Addiction, Prevention, and Treatment.

Mayor Rothschild asked if there were any personal appointments to be made.

Council Member Fimbres announced his personal appointment of Ronnie Reyna to the Small, Minority and Women-Owned Business Commission.

11. ADJOURNMENT: 6:10 p.m.

Mayor Rothschild announced the Mayor and Council would hold a Retreat on Tuesday, December 11, 2012, at 1:00 p.m., at the Westside Police Service Station, 1310 West Miracle Mile, Tucson, Arizona.

MAYOR

ATTEST:

CITY CLERK

CERTIFICATE OF AUTHENTICITY

I, the undersigned, have read the foregoing transcript of the meeting of the Mayor and Council of the City of Tucson, Arizona, held on the 4th day of December 2012, and do hereby certify that it is an accurate transcription.

DEPUTY CITY CLERK

RWR:rb:dp